

From: John Spragens <john@spragenslaw.com>
Subject: Re: Marty Fitzgerald Subpoena
Date: June 21, 2022 at 3:50:29 PM CDT
To: Phillip Young <phillip@thompsonburton.com>
Cc: "Gabbert, Craig V." <cggabbert@bassberry.com>

Phillip,

As we discussed yesterday, Mr. Fitzgerald expressed a number of objections to the deposition to me. He mentioned again that the last deposition was not possible since it arose on or near the anniversary of his daughter's untimely death, an emotionally difficult time for him.

I have summarized his objections as best I can below, although I defer to him on any details I have failed to capture or have inadvertently misrepresented.

1. He, a veteran, is involved in a veteran suicide proposal to the VA. That will not be concluded for a few weeks. He cannot afford the time this week or anytime before the July 8 deadline to give a deposition in the case.
2. He believes most of the testimony you are seeking involves attorney-client communications, and he does not intend to waive attorney-client privilege over those communications. So he questions what value his deposition would even bring to this case.
3. It is painful and excruciating for him to relive the details of his daughter's death and the resulting litigation, and he believes this entire proceeding is a farce that will only re-traumatize him for the benefit of lawyers who are attempting to claim entitlement to funds. It hurts and angers him to be subpoenaed under such circumstances.

I hope that captures it. I told him you might be open to propounding written questions, as you told me you thought would work. Let's do that for the good of everyone involved. This is, after all, about money, not someone's daughter's life.

Thanks,
John

On Mon, Jun 20, 2022 at 1:58 PM Phillip Young <phillip@thompsonburton.com> wrote:
John,

Thanks for your call regarding the Marty Fitzgerald subpoena and deposition scheduled for Friday. The Trustee would like to see Mr. Fitzgerald's objections in writing and then she will determine how to proceed from that point. We are in agreement that, with today being a federal holiday, those objections are not due

until tomorrow.

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